

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

INTERNATIONAL BROTHERHOOD OF)	
ELECTRICAL WORKERS, LOCAL 474,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civ. No. 06-2151-M1/V
)	
EAGLE ELECTRIC CO., INC.,)	
)	
Defendant.)	
)	

ORDER ADOPTING REPORT AND RECOMMENDATION AND CERTIFICATION OF
FACTS CONSTITUTING CONTEMPT PURSUANT TO 28 U.S.C. § 636(e);
ORDER DIRECTING EAGLE ELECTRIC AND BEHLES TO APPEAR BEFORE
DISTRICT COURT TO SHOW CAUSE WHY THEY SHOULD NOT BE HELD IN
CONTEMPT OF COURT

This cause is before the Court in connection with the Report and Recommendation and Certification of Facts Constituting Contempt Pursuant to 28 U.S.C. § 636(e) of Magistrate Judge Vescovo, entered February 6, 2007.

The Magistrate Judge recommended that Defendant Eagle Electric Co., Inc. ("Eagle Electric"), and its Chief Executive Officer, Fred G. Behles, be ordered to appear before the District Court to show cause during a hearing why they should not be held in contempt of court for (1) failing to comply with the District Court's December 5, 2006 discovery order; and (2) failing to comply with the Magistrate Judge's January 22, 2007 order to

appear. The Magistrate Judge also recommended that Behles be held in contempt of court and detained until such time as he purges himself of civil contempt by giving a deposition and producing requested documents. Finally, the Magistrate Judge recommended that Plaintiffs should be granted attorney fees and expenses incurred in bringing the motion for sanctions and for contempt, as well as fees and expenses that the Court ordered Eagle Electric to pay in its prior order. Eagle Electric has not filed an objection to the Magistrate Judge's report.

The Court has reviewed the Report and Recommendation and Certification of Facts Constituting Contempt, and Plaintiffs' brief. Based on a de novo review of the record before the Magistrate Judge, the Court ADOPTS the Report and Recommendation in its entirety. Accordingly, the Court ORDERS that Eagle Electric and Behles appear before the District Court to show cause during a hearing why they should not be held in contempt of court. The hearing is hereby set for Friday, March 9, 2007, at 3:00 p.m. in Courtroom 4, 9th floor, United States Courthouse, 167 North Main, Memphis, Tennessee. The Court further FINDS Behles to be in contempt of court, and ORDERS that he be detained until such time as he gives a deposition and produces the requested documents. Finally, the Court GRANTS to Plaintiffs the attorney fees and expenses incurred in bringing the motion for sanctions and for contempt, as well as the fees and expenses that

the Court ordered Eagle Electric to pay in its prior order.

So ORDERED this 21st day of February, 2007.

/s/ Jon P. McCalla
JON P. McCALLA
UNITED STATES DISTRICT JUDGE